

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.3683/2015

D.Jayasankar

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Petitioner

Versus

1.The Regional Manager
State Bank of India,
No.84, Rajaji Street,
Chennai-1.

2.The Branch Manager
State Bank of India,
Nellukara Street,
Kanchipuram 631 501.

3.The Inspector of Police
B1 Siva Kanchi Police Station
Kanchipuram.

4.The Manager
Tata Telecommunications Limited
No.4, Swami Sivananda Salai
Chennai 600 002.

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Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to get back their ATM Machine from the petitioner home which was put in the month of March 2014 onwards and to pass the arrears of the rent by considering the petitioner representation letter dated 23.01.2015 and 06.02.2015.

For Petitioner : M/s.R.J.Yoga Anandhi
For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

ORDER

Heard M/s.R.J.Yoga Anandhi, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents and with their consent, the writ petition is disposed of at the admission stage itself. This Court

perused the affidavit filed in support of this writ petition.

2.The petitioner seek for issuance of a writ of mandamus to direct the 2nd respondent to get back their ATM Machine from the petitioner home which was put in the month of March 2014 onwards and to pass the arrears of the rent by considering the petitioner representation letter dated 23.01.2015 and 06.02.2015.

3.It appears that the respondent/Bank has erected a ATM Machine in the petitioner's premises. The petitioner would state that the respondent/Bank did not keep up to their assurance and they have not paid the rental amount till date and therefore, the petitioner seeks for a direction from this Court to direct the respondent/Bank to remove the ATM Machine. The transaction between the petitioner and the respondent/Bank is purely a private civil transaction and merely because the Inspector of Police, B1 Siva Kanchi Police Station, has been made as a respondent, this writ petition cannot be entertained.

4.Accordingly, the prayer sought for by the petitioner is rejected. However, this will not prevent the petitioner from pursuing his complaint before the 3rd respondent police and initiate appropriate action before the appropriate Forum as against the respondent/Bank to redress his grievance.

5.With the above observation, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

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1 cc to Mr.R.J.Yoga Anandhi ,Advocate, SR.No.7997

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pmk.5.3.2015



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